

DATE: March 13, 2019
LOCATION: Rowley Public Library Meeting Room located at 141 Main Street
TIME: 7:30pm

Members Present

Chris Thornton (Chairman), David Jaquith (Vice Chairman), John Urbaczewski (Member), Troy Spaulding (Member), and Mark Savory (Member) were all present.

Larry Graham and Kirk Baker (Town Planner) were present.

Kevin Daley (Associate Member), was absent from the Board.

Thornton called the meeting to order at 7:34 p.m.

New Public Hearings

Special Permit Amendment – 50 Newbury Road OSRD – Hart's Way

Spaulding recuses himself from this item. Thornton made a motion to open the public hearing. Savory seconded. All voted in favor (4-0).

Applicant Michael Hart was present to request an amendment on the special permit to have land transferred over to the town just prior to last occupancy permit prior rather than prior to the first occupancy permit. All paperwork done but selectmen won't accept it due to pending wetland bylaw modification. He has four properties under agreement.

The Conservation Commission Agent, Brent Baeslack, spoke regarding the proposed deed restriction that would encumber the open space parcel and not permit any development. Baeslack recommends that not all occupancy permits be released until they can get the actual transference of property to the town. He further notes they have to await town meeting for final approval. He notes the deed can't be prepared yet due to Conservation Commission needing to modify wetlands bylaw. The deed restriction would protect the open space parcel while dealing with issues involved in permitting of wetlands bylaw. The applicant says they will have all the restrictions in place so the Conservation Commission can get their bylaw completed.

Resident Vincent D'nofrio spoke as an abutter of the project, stating that after 35 years, it was upsetting to see all the trees removed and replaced with buildings.

Urbaczewski made a motion to close the public hearing, Savory seconded. All voted in favor (4-0).

The Board is being asked to amend the original approval so that the issuance of the occupancy permit for last unit be held until the common space is deeded to the Conservation Commission. Thornton made motion to accept request, Urbaczewski seconded. All voted in favor (4-0).

Special Permit/Site Plan Review – Verdant Medical Retail/Medical Dispensary/Marijuana Cultivation Facility

After Thornton read the public notice, he made a motion to open the public hearing. Savory seconded. All voted in favor (5-0).

The applicant introduced all participants and stated they are looking for a special permit for cultivation, product manufacturing and dispensing factory for medicinal and recreational marijuana in a split zone area off Newburyport Turnpike. An overview was presented of the site of 11.64 acres, regarding water flow, catch basins, building sizes, parking, lighting, septic, traffic and site distances. The property will be subject to a Mass curb cut permit for access to Newburyport Turnpike. They are currently dealing with other town departments to obtain their opinions and needs for the project.

A proposed floor plan was shown for the cultivation facility, which will not be a public facility. The dispensary plans were also shown with explanations on security, how and where product purchase will be handled. They will have complete control on who enters and exits the facility with secured entry and exit rooms. There is also a written procedure that clients need to sign and agree to in order to be a customer. No on-site consumption will be permitted.

Jaquith commented that the building only has one staircase inside. He also would like to see the barn preserved and put it to use. He would like to see a better salesfloor plan. The plan shows tight set-backs on the back buildings. A landscaping plan would be required later in this process as well as a traffic study. Baeslack spoke on behalf of the Conservation Commission regarding his concerns of the applicant believing that permitting from them is not needed. He states that he sees it differently and that the Commission's involvement will be necessary. Concerns of Conservation Commission and other town departments are storm water runoff, drainage, how it is handled, etc. as well as cleaning compounds that could possibly result in needing a second containment. No discussion was raised on these extensive areas. Property is so close to the water shed that perhaps a water quality monitoring plan should be initiated through the initial year to see what any unintended impact to storm water system may be occurring. He also wondered if applicant has given any thought to solar being added to the roof of the cultivation facility.

Graham had comments regarding parking in relation to the estimated clients and client time. He would encourage possible overflow parking. Applicant anticipates having 30 personnel on each shift.

Resident Vincent D'nofrio spoke regarding the quantity of retail marijuana shops being proposed in the town being a little excessive. He feels he it will impact the youth on our town and is worried about the traffic and security of residents. Thornton explained that the Board has the authority only to make sure the applicants follow the rules for development of new business. The approval for allowing this type of business was voted in by the residents themselves.

Thornton requested a site visit be scheduled. Applicant will set up a date on a Wednesday afternoon and will notify the Board. The applicant agrees to have the areas staked out prior to the site visit. Asked about the height of the building, he stated it will be two stories high, two stories on the front side, one story in back, reaching a height of 25 feet. Regarding taxes, the town will charge a 1 % impact fee on cultivation and 3% on retail sales.

The Board agreed to an April 3rd site walk-through at 4:00 pm. Graham has received the plans and will review them.

Thornton made a motion to continue the special permit hearing on April 10, 2019, Savory seconded. All voted in favor (5-0).

Special Permit/Common Driveway/Floodplain Overlay District/Accessory Structure Larger than 1,500 sf, 491 Main Street and Definitive Subdivision Hearing – Prospective Two Lot Conventional Subdivision – 491 Main Street (Coastal Conservation Zoning District)

After reading the legal notice, Thornton requested a motion to open the public hearing, Jaquith made the motion, Savory seconded. All voted in favor of the motion (5-0).

The Applicant stated that he is looking for approval of a special permit for the 5.7-acre parcel for the James Mahoney Trust. A challenging lot to build on, the architect explained the topography and the plan to develop a definitive subdivision to create two lots. He detailed the road plan for Bella Way. The Fire Chief stated that the current situation is untenable and what they are proposing is a great improvement in that area. In addition to asking for definitive approval of site plan, he is requesting 3 special permits. A common driveway is one. An accessory barn to house an antique car collection and allowing work within the flood plain district are the others. They would also request a waiver for a landscape plan as they want to leave the land in its natural state. The private drive will be maintained by the owners. Graham received the preliminary plan and suggested the applicant go before the ZBA prior to his review and comments. He asked to make sure the permit waiver covers the way as well as the lots.

Resident abutter Bill DiMento stated he is not opposed to the plans. He previously owned the property and would like to be assured a proper survey is completed. He also informed the Board that there is an easement for the water line.

Thornton requested they schedule a site review. He would like the buildings staked out for the review. Applicant representative will call to schedule after the snow is gone, as it is not currently plowed.

Thornton made a motion to continue the special permit hearing. Urbanczewski seconded. All voted in favor (5-0).

Continued Public Hearings

Special Permit/Fox Hollow, now Falcon Ridge/OSRD Subdivision – 430 Wethersfield Street
Attorney Jill Mann reviews the open space component of the project. She showed project as it exists and went into details of footage, upland, wetland, riverfront area and detailed size as backed up by her calculation handout to the Board. 67% must be upland of the 33% wetland formula. Donating upland that is required pursuant to the breakdown, the town is getting more wetland than required. Total amounts in square footage were discussed including 10% of the riverfront to be used as upland. Graham stated he was a little lost with the numbers presented and has no way to verify the numbers with the plan presented.

The Applicant states they are looking for approval of the preliminary plan with road length listed, Taylor to end of cul-de-sac.

Thornton stated that given the demonstrated numbers, it seems like the Board can accept it. Regarding open space, the applicant proposes a vote to permit 10% of riverfront to be included as upland and grant a technical waiver based on minimum base requirements for the open space requirement that has been met. Con Com made a compelling voice that this open space is very valuable to the town.

Thornton asked the Board to vote on consideration for the 10% riverfront as listed above and the technical waiver of open space requirements as discussed. Jaquith made a motion to approve the vote, Urbaczewski seconded. All voted in favor (5-0). Thornton notes this motion is subject to Graham's review of Jill's calculations.

The applicant states they are also looking for a final determination on the length of the roadway. The Length of road exceeds what is ordinarily considered but because of benefits to the town, they are hoping that the Board will want to support the waiver.

Cliff Pierce reminded the Board that the applicant has committed to convert the intersection at Wethersfield Street to a "T", a safety factor for the area to which the applicant has committed and will complete. A resident inquired about the need for a traffic study. The applicant's attorney does have a report concluding that there will be no impact at Rte. 1. He doesn't have a full traffic report, but one will be submitted with the final plan.

Thornton asks the Board for a motion to waive the roadway length requirement for Taylor Lane. Urbaczewski made the motion, Jaquith second and all voted in favor (5-0).

Mann notes the Preliminary plan submitted not required to be approved. She asserts they will therefore submit the definitive plan in approximately 6 weeks. Thornton made a motion to continue hearing to Tuesday, April 23. Spaulding seconded the motion and all voted in favor (5-0).

Special Permit/SPR for Retail Marijuana Operation and Dispensary (Old Planters of Cape Ann) – 300 Newburyport Turnpike

Graham reviewed last changes made to the plans as submitted and sent the Board a letter with his approval. A couple comments he spoke about were regarding parking and the omitted land use code in the summary table. Graham also made some recommendations for additional conditions of approval. Sam Gregorio, traffic consultant, addressed comments.

Motion made to close the hearing by Jaquith, seconded by Urbanczewski. All voted in favor (5-0). Thornton asked the Board to consider approving the special permit, subject to a few conditions as listed in Graham's report, including paving 8 spaces, line the spaces and add lines to mark walkway from back parking, monitoring customer demand after initial start-up of business, revisiting traffic at a 6-month period, hours of operation 10am-8pm, as well as a few others.

Thornton made a motion to approve the special permit with conditions. Motion seconded by Jaquith. All voted in favor (5-0).

Special Permit/SPR for Retail Marijuana Operation and Dispensary (Nature's Remedy) at 264 Newburyport Turnpike

Modifications of the plan reviewed, moving entrance to property to the north, added lighting to existing building in the rear, showing existing septic location, traffic mitigation plan that was reviewed with police chief, and police requests, trash and snow storage in rear as well as landscape plan and 10am-8pm operation hours.

They note the rain garden in the front was also increased in size per Graham's review. Graham spoke satisfied with all the changes. He talked about a couple other items – wall lights, signage, and temp lighting out back if necessary.

Thornton motion to close public hearing. John seconded. All voted in favor (5-0).

Thornton made a motion to approve special permit subject to conditions recommended (2nd floor be unfinished and downstairs used as office space rear site vacated and secured, gravel

area regraded, signage and stop sign and others as listed and then a one month and six month review of the traffic situation. Second by Savory. All I favor (5-0).

Definitive Subdivision Plan for 4-lot Conventional Subdivision at 623 Wethersfield Street (OD Zoning District)

The applicant requested for a continuation until the next meeting of the Board. Thornton asked for the Board to accept the request to continue hearing until April 10. Spaulding seconded the motion and all voted in favor (5-0).

Other Business:

Verizon Tower Diesel Generator at 124 Haverhill St Tower (Prospect Hill)

They are adding another antenna but not increasing the height and are only adding a diesel ground generator but not changing the footprint of the ground-level tower compound. Baker notes the Fire chief has stated he is ok with a diesel generator. The Board agreed they should allow Verizon to proceed.

Discussion with Invaleon Pertaining for Final Bond Amount for SPV Facility at 623 Wethersfield Street

TJ Murphy on behalf of Invaleon states they were approved for a \$105,000 letter of credit. The Board feels that, after looking at some other towns, this amount is on the low end in comparison and they do not want to reduce it. \$50,000 per megawatt is below the average. Invaleon presented a report utilizing state prevailing wage and future estimates with percentage for inflation and came up with \$98,000 and wanted a reduction in the bond amount. Graham did an analysis and Thornton feels we have to be aware of what is available in the future and costs, etc. Graham will give the reps of Invaleon his report. Invaleon agreed to keep the amount at \$105,000 as originally discussed. Applicant will call to put them on the agenda for next month.

Request for Bond Release for Saunder's Lane Subdivision Approved in 1996

The town owns the street and there are no claims on the bond, so the Board is willing to release their claims on the \$5,444.00. The Board no longer has needs to use this money. The town will most likely use the money to pay back taxes and accept the road formally. Thornton made a motion to vote for satisfied conditions of the bond being met. Jaquith seconded. All voted in favor (5-0).

Budget 2020

Baker notes that the Rowley personnel board did a compensation study this year to bring salaries of department heads in line with others in the region and that his salary is adjusted accordingly. The expense account available to the board is level funded and it still has funds available. The Board would like to get name plates.

Thornton made a motion to accept the budget as presented. Jaquith and Savory seconded, all voted in favor.

Discussion with Jim Decoulas re: Prospective OSRD Subdivision at Tompkins/Desjardins Trust Property located on Daniel's Road (AKA Marion Way)

An informal yield plan was presented as well as an OSRD concept plan for this property. This plan is an alternative to another presented previously that was approved, but applicant is looking for input on this alternative. Seeking a 17% density bonus, going from 6 to 7 lots, allowing for a future road to the Tompkins property. 12.3 acres will be set aside for open space to be held with a homeowners association. By allowing for the road to a larger parcel, open space was split. Total acreage of the property is 19.3, with 69% allowed for open space. Applicant would like feedback on this project. There is a one-mile distance from this property to the new Falcon Ridge property, which could make for possible future connection.

Thornton questioned the site distance on the Daniels Road connection and issue was discussed. The benefit to the town is the open space and use of a shared septic system. The open space is now secluded but the Girl Scout property and Falcon Ridge could be connected to it. The previous plan for a 40B project is a smaller amount of land to the town plus more houses. The Board discussed wetlands in the open space vs wetlands in the development. Thornton thought it looks like a good concept and would like to see elements to be incorporated in OSRD plans. Applicant wants to keep as much natural vegetation as possible. Thornton suggested he return with a proposed plan at the April 10 meeting.

Briar Barn Inn Request for Temp Occupancy Permit for Restaurant Events

Baker states that the kitchen is not totally finalized. Representative hoping to have certification of approval by March 30th. Three events are scheduled this month for under 100 people. The Board discussed having a police detail until the full occupancy permit is obtained for safety. They will also have parking attendant.

Thornton made a motion to allow temporary occupancy for three specified events with the presence of a police detail.

Urbaczewski seconded the motion along with Jaquith and Spaulding. All voted in favor (5-0).

Motion was made to adjourn the meeting at 11:19 p.m. All voted in favor (5-0).